



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

August 2, 2022

Via ECF and Email

Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

RE: E.F., et al. v. Mayor Bill De Blasio, et al., 21-cv-11150 (ALC) (SN)

Dear Judge Carter:

This Office represents Defendants the New York State Education Department (“SED”) and the Commissioner of SED (collectively the “State Defendants”) in the above-referenced action. I write jointly on behalf of all parties pursuant to the Court’s Order dated March 1, 2022 (ECF No. 46) to provide this status update.

Defendants’ Update

Regarding the progress of the implementation of the “OATH plan” (the plan by which impartial due process hearings in New York City for claims brought pursuant to the Individuals with Disabilities Education Act will be adjudicated by OATH, *i.e.* the Office of Administrative Trials and Hearings), a total of 41 State-certified hearing officers are onboard and being appointed to cases. Recruitment continues for hearing officers. Also, a total of 13 individuals have been hired to perform administrative functions, with two more to be onboarded shortly.

Regarding the related proceeding of *Gronbach et al. v. N.Y. State Education Department et al.*, Index No. 910574-2021 in the New York State Supreme Court in the County of Albany, the parties appeared for oral argument on June 8, 2022. A decision is still pending on the City and State’s cross-motions to dismiss and Petitioners’ application for a preliminary injunction.

Plaintiffs’ Update

Plaintiffs have no update at this time.

Hon. Andrew L. Carter, Jr.
August 2, 2022

Page 2 of 2

The parties thank the Court for its consideration of this matter.

Respectfully submitted,

/s/
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cc: counsel of record (via ECF)